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10/533,155	10/14/2005	Jan Brandt	915-001.58	5033

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EXAMINER	
BHATTACHARYA, SAM	

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/533,155	BRANDT, JAN	
	Examiner	Art Unit	
	SAM BHATTACHARYA	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,12,15-27 and 30-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 12 15-27 and 30-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-10 12 15-27 and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP9-312890 (hereinafter '890) in view of Hirayama (US 2002/0198006).

Regarding claims 1 and 31-35, '890 discloses positioning a mobile terminal, characterized in that it comprises steps of: defining an executable function that is detectable by senses, forming a functional instruction corresponding to the defined function for activating the defined function in a mobile terminal, establishing a wireless short-range connection, and transmitting via the established wireless connection the formed functional instruction, the function according to which is arranged to be activated as a response to receiving the formed functional instruction. See paragraphs 13 and 14.

'890 fails to disclose checking whether the mobile terminal is permitted to execute the defined function, and as a response to a situation in which the mobile terminal is permitted to execute the defined function, activating the defined function in the mobile terminal.

However, Hirayama discloses these features in paragraphs 25, 26 and 28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile terminal in '890 by incorporating these features taught in Hirayama for the purpose of ensuring that unauthorized users are unable to execute the functions.

Regarding claim 2, '890 discloses that the executable function is defined to be at least one of the following: a flash pattern, a vibrating motion, a sound pattern or a visual effect represented on the display screen. See paragraph 13.

Regarding claim 3, '890 discloses that as a response to receiving of an activation command (201), a predetermined default function is activated. See paragraph 15.

Regarding claim 4, '890 discloses that in the functional instruction (201) there is defined an activation command for activating a function and a detailed instruction for executing the function. See paragraph 14.

Regarding claim 5, '890 discloses that the function and the respective functional instruction (201) are selectable from a menu displayed by a user interface of a mobile terminal, said menu comprising functions corresponding to functional instructions. See paragraph 16.

Regarding claim 6, '890 discloses that the function is defined by selecting a given function executable by the mobile terminal and by composing a functional instruction (201), on the basis of which the selected function is activated to be executed. See paragraph 14.

Regarding claim 7, '890 discloses that the function is defined by composing a functional instruction (201) for activating a function by means of input elements arranged in the mobile terminal. See paragraph 17.

Regarding claim 8, '890 discloses that a wireless short-range connection is established with several receiving mobile terminals simultaneously by the mobile terminal (202) establishing the connection. See paragraph 16.

Regarding claim 9, '890 discloses that the established wireless short-range connection (202) is a radio link established by the transmitting mobile terminal. See paragraph 14.

Regarding claim 10, '890 discloses a method for indicating the location of a mobile terminal, characterized in that the method comprises steps of: receiving in the mobile terminal via a wireless short-distance connection a functional instruction (204) for activating a function, and activating the function according to the functional instruction (205) in the mobile terminal as a response to receiving the functional instruction. See paragraph 13.

'890 fails to disclose checking whether the mobile terminal is permitted to execute the defined function, and as a response to a situation in which the mobile terminal is permitted to execute the defined function, activating the defined function in the mobile terminal.

However, Hirayama discloses these features in paragraphs 25, 26 and 28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile terminal in '890 by incorporating these features taught in Hirayama for the purpose of ensuring that unauthorized users are unable to execute the functions.

Regarding claim 12, '890 discloses that it comprises steps of receiving a functional instruction (204) including an activation command for activating a function and including a detailed instruction for executing the function, and as a response to receiving the functional instruction, activating the functions (205) according to the detailed instruction. See paragraph 14.

Regarding claim 15, '890 discloses that it comprises steps of prohibiting the execution of the function according to the functional instruction by recording the prohibition to execute at the device, and as a response to receiving a functional instruction (204) that is prohibited to execute, presenting a notice of receiving the functional instruction. See paragraph 16.

Regarding claim 16, '890 discloses it comprises steps of receiving an activation command (204) and as a response to receiving the activation command, activating a predetermined default function (205). See paragraph 14.

Regarding claim 17, '890 discloses an arrangement for positioning a mobile terminal, characterized in that the arrangement comprises means for defining a function, observable by senses and executable, means for composing a functional instruction (106) defining an activation of the function in the mobile terminal, means for establishing a short-range connection (104), and means for transmitting the functional instructions via the established connection. See paragraph 15.

'890 fails to disclose checking whether the mobile terminal is permitted to execute the defined function, and as a response to a situation in which the mobile terminal is permitted to execute the defined function, activating the defined function in the mobile terminal.

However, Hirayama discloses these features in paragraphs 25, 26 and 28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile terminal in '890 by incorporating these features taught in Hirayama for the purpose of ensuring that unauthorized users are unable to execute the functions.

Regarding claim 18, '890 discloses that said arrangement comprises means for defining a flash pattern, a sound pattern, a vibrating motion and/or a visual effect presented on the display screen. See paragraph 15.

Regarding claim 19, '890 discloses that it comprises means for associating an activation command for activating a predetermined default function with the functional instruction (106). See paragraph 17.

Regarding claim 20, '890 discloses that it comprises means for adding a detailed instruction describing the execution of the function to the functional instruction (106). See paragraph 19.

Regarding claim 21, '890 discloses that it comprises a menu containing functions of the device and corresponding functional instructions in order to define the function and to form a functional instruction. See paragraph 17.

Regarding claim 22, '890 discloses that it comprises means for defining a certain function and means for composing a functional instruction, on the basis of which the defined function is activated. See paragraph 15.

Regarding claim 23, '890 discloses that the wireless short-range connection (104) is a radio link realized by bluetooth technique. See paragraph 18.

Regarding claim 24, '890 discloses an arrangement for indicating the location of a mobile terminal, characterized in that the arrangement comprises means for receiving a functional instruction (106) in the mobile terminal via a wireless short-range connection (104), and means for activating (101, 106) a function according to the functional instruction in the mobile terminal as a response to receiving the functional instruction. See paragraphs 13 and 14.

Regarding claim 25, '890 discloses that it comprises means for checking whether the execution of the function according to the functional instruction is permitted, and means (112, 113, 115, 116, 117) for executing the activated function, if the execution of said function is permitted. See paragraph 15.

Regarding claim 26, '890 discloses that it comprises means for receiving (106) a functional instruction including an activation command for activating a function and a detailed

instruction for the function, and means for activating the function according to the detailed instruction, as a response to receiving the functional instruction. See paragraph 17.

Regarding claim 27, '890 discloses that it comprises means for rejecting the function according to the functional instruction and means for indicating the reception of the functional instruction as a response to receiving a functional instruction that is forbidden to execute. See paragraph 14.

Regarding claim 30, '890 discloses that it comprises means (106) for receiving an activation command for activating a function, and means for activating a predetermined default function as a response to receiving the activation command. See paragraph 15.

Conclusion

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb

/Sam Bhattacharya/

Primary Examiner, Art Unit 2617